

DISTRICT ADVISORY BOARD (DAB) I

MEETING MINUTES

Monday, July 20, 2009

6:30 p.m.

Atwater Community Center, 2755 E. 19th, Wichita, Kansas 67214

Members Present

Vicki Churchman
Gerald Domotrovic
Marcus McNeal
KC Ohaebosim
Janice Rich
Lisa Riley
Steve Roberts

James Roseboro
Janet Wilson

Guests

Joann Hartig, 1756 S. Main
Sam Schrepel, 326 N. Madison
Shontina Tipton, PO Box 781008
John Stevens, 3125 E. Boston
Treatha Brown-Foster, 2211 N. Kansas
James Thompson, 623 N. Volutsia
Beverly Domotrovic, 1219 George
Washington Blvd.
Dave Weatherspoon, 722 E. Zimmerly
Brent Thomas, 924 N. Main

City of Wichita Staff Present

Battalion Chief Hughes, Wichita Fire Department
Officer Recio, Beat 23, Wichita Police Department
Officer Feuerborn, Beat 43, Wichita Police Department
Lt. Espinoza, Patrol North, Wichita Police Department
Scott Knebel, Planning Department
Dale Miller, Planning Department
Gary Janzen, Public Works Department
Carl Haas, Public Works Department
Joe Pajor, Public Works Department
LaShonda Porter, Neighborhood Assistant

Order of Business

Call to Order

CM Williams called the meeting to order at 6:25 p.m. and welcomed the guests. She asked that anyone addressing the Board to provide their name and address for the record.

Approval of Minutes

Roberts (Roseboro) made a motion to approve the minutes as submitted. Motion carried **6:0**

Approval of Agenda

Roberts (Roseboro) made a motion to approve the agenda as submitted. Motion carried **6:0**

Public Agenda

1. **Agenda Items**
No items submitted.
2. **Off Agenda Items**
No items submitted.

Staff Report

3. Police Report

Officer Recio, Beat 23 advised that they have apprehended the suspect Scott Gilbert for the recent business burglaries. He also noted that that residential burglaries were up on Beat 25, between Lincoln and Washington. He added that a burglary in progress today set off an alarm and they were able to apprehend the individuals.

Recio advised that there was a neighborhood clean up for the START project on Saturday, July 11th and it went very well – filled approximately 1.5 packers.

Recio advised that he worked the night shift on July 18th and they performed a check at El Rojo Club and they were going to suspend the clubs license, but the Law Department to forego the suspension. He noted that there is suspicion that drugs are being sold within the club, and it has been reported to both to city and state law enforcement for further investigation.

Officer Feuerborn, Beat 43 advised that he is covering both beats 43 and 42, due to Officer Warhterten being out on military leave. He advised that there is an increase in prostitution on beat 42. A sting was completed last week along 10th and 11th Streets and several arrest were made. He noted that another sting was planned for the month of August.

McAdams had a neighborhood clean up on July 25th and it was very successful. He thanked Officer Weber for assisting with getting volunteers to help with the clean up.

Feuerborn advised that there was a drive by shooting in the 1000 block of Volustia. He noted that landlord has evicted the tenants (known gang members) and the activity has decreased.

Feuerborn noted that in the 800 block of Grove there has been some juvenile (age 13-17) crimes with aggravated assaults and burglaries.

Feuerborn advised that the Officers will be participating in a big cookout supporting all the camps that were held at each of the Neighborhood City Halls.

Porter asked what is being done about all of the gang graffiti that keeps appearing at 10th and Ohio. **Feuerborn** advised that it is from a new Hispanic gang in the area. He said that he is also receiving complaints about the graffiti from the McAdams Neighborhood Association. He advised that he was working on an educational meeting that would be organized for August.

CM Williams asked about the old Burger King on 21st Street. **Lt. Espinoza** advised that this was a different group and that this was a rival gang situation going on right now and that Officers were working on the situation.

Lt. Espinoza also advised that the Community Unity Day was being held on Saturday, July 25 at St. Mark United Methodist and that the community was welcome and encouraged to come out.

Lt. Espinoza also discussed the homicide that occurred on Estelle or Volutsia last Sunday dealing with a domestic situation. He advised that prior to the homicide there were 19 other cases from the couple.

CM Williams thanked the Officers for their time and presentation.

Action Taken: Receive and file.

4. Fire Report

Battalion Chief Hughes provided the Board with a fire report detailing the incidents in district 1 and across the City of Wichita. The report provided the following details:

	Incidents	Resources
All	34	213
Structured Fires	12	133
EMS and Rescue Alarms	564	745
Service Alarms	196	386
Totals	794	1,384

All Fire – Includes all types of hostile fires including structure fires, automobile fires, grass/brush fires, rubbish fires etc.

EMS and Rescue Alarms - any call which is medically related. This is the most common type of alarm the Wichita Fire Department responds to.

Service Alarms - calls for service which are not medically related or require actual fire suppression but still pose a threat to the safety of the community.

Structure Fire – fire involves buildings. This is the most common type of fire responded and includes fires involving houses, apartments, and commercial buildings.

Hughes also provided a report that showed fire investigation statistics for June 2009 across all districts. The report provided the following information:

	District 1	District 2	District 3	District 4	District 5	District 6
Accidental	3		1		1	1
Incendiary	1					1
Undetermined			1	1		
Natural		1	1			
Grand Total	4	1	3	1	1	2

CM Williams wanted to know if the fire at 915 N. Ohio was arson. **Hughes** advised that appeared to be with \$45K in structural damages.

Riley wanted to know if we keep trend information anywhere and how is it utilized? **Hughes** advised that he would look into that and bring it forward at the next meeting.

The **Board** thanked the Battalion Chief Hughes for his time and presentations.

Action Taken: Receive and file.

New Business

5. South Central Neighborhood-Wide Residential Rezoning Proposal

Scott Knebel, Planning Department presented information on the request to rezone certain residentially zoned properties in the South Central Neighborhood. The general boundaries of the South Central Neighborhood are: Kellogg on the north, Washington on the east, and the Arkansas River on the south and west.

Knebel advised that in May 2006, following almost a year of development and neighborhood input, the governing bodies adopted the South Central Neighborhood Plan to serve as a blueprint for revitalization of the neighborhood. One of the goals of the plan is to “preserve the character

of residential areas.” One of the Plan’s initiatives by which this goal is proposed to be accomplished is to “rezone residential properties in the neighborhood to more closely reflect current and preferred future land use.” To that end, the Metropolitan Area Planning Commission spent six months developing the South Central Neighborhood Land Use Plan that was adopted by the governing bodies in April 2009.

The South Central Neighborhood Land Use Plan establishes desired outcomes for future land use in the neighborhood and provides a generalized guide for future rezoning decisions. The vision of the recently adopted South Central Neighborhood Land Use Plan is to preserve the current pattern of neighborhood development with single family homes on smaller lots.

The current zoning pattern for the South Central neighborhood dates back over 50 years and is designed to facilitate the urban renewal vision that was predominate at that time of tearing down older houses to construct new, mostly larger and multi-family homes. This zoning pattern is inconsistent with current uses and structures; creates the risk of incompatible land uses in the neighborhood; creates a risk to the character of individual homes and buildings; and creates a risk to the character of the neighborhood as a whole.

Knebel noted that this has been done in other neighborhoods such as Delano, McAdams, and Midtown with a similar mismatch between the current zoning and existing development pattern. He advised that over 2,800 notices went out and a majority of the neighborhood were generally in favor. He noted that 3% opted out of the program.

Churchman advised that Scott has worked with the neighborhood and this was in accordance with what the committee wanted.

McNeal asked if the hope after this had been completed that property values would go up. **Knebel** responded yes.

Action Taken: Roseboro motioned to recommend approval of the residential rezoning as presented by staff. Roberts 2nd the motion. Motion passed (6:0).

6. MAPC Motor Vehicle Impound Lot

Dale Miller, Planning Department presented information on the proposed amendment to the Wichita-Sedgwick County Unified Zoning Code to establish a new used type, Motor Vehicle Impound Lot, and to delineate in which districts the use is allowed and under what conditions.

At a recent Metropolitan Area Planning Commission (MAPC) meeting planning staff was asked to review our current regulations regarding the storage of motor vehicles. The Wichita Sedgwick County Unified Zoning Code (“UZC”) defines the following terms:

Vehicle Storage Yard: the keeping outside of an enclosed building for more than 72 consecutive hours of one or more vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles. The term vehicle storage yard does not include “wrecking/salvage yard.”

Vehicle, Inoperable: any vehicle that is unable to operate or move under its own power. It shall also mean any vehicle that is in an abandoned, wrecked, dismantle, scrapped, junked or partially dismantle condition which includes having uninflated tires, no wheels, or lacking other parts necessary for the normal operation of the vehicle. It shall also mean any vehicle that because of mechanical defects, a wrecked or partially wrecked frame or body or dismantle parts, cannot be operated in a more and safe manner. An

inoperable vehicle shall not include vehicles needing only the installation of a battery or the addition of fuel to operate.

Wrecking/Salvage Yard: a lot, land or structure, or any part thereof, used for the collecting, dismantling, storing and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials; and/or for the sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards. In the unincorporated area of the county only, the term “wrecking/salvage yard” shall not include the storage of salvage materials as permitted in Section 19-22(c) of the Sedgwick County Code.

The circumstance that triggered the Planning Commission’s request to review this issue was the recent filing of three applications for “wrecking and salvage” by individuals who provide vehicle towing and impound services and/or conduct auto insurance pool auctions. Some vehicles taken to these businesses are inoperable, and may be stored up to three or four months, without any intention of repairing the vehicle, before they are removed from the site. The vehicles are not dismantled or parted out only stored, but because the business stores inoperable vehicles for longer than 72 hours, by UZC definition, the activity is categorized as “wrecking and salvage.” Wrecking and salvage uses are only permitted with “conditional use” approval in the LI Limited Industrial (“LI”) and GI General Industrial (“GI”) districts and is permitted “by right” in the AFB districts.

The proposed solution is to create a new use type, “Motor vehicle impounds lot.” A “Motor vehicle impound lot” is a lot, land or structure, or any part thereof, used for the storing of operable or inoperable “vehicles, motor,” that are held on the property for the purpose of the impound and/or routine and periodic sales occurring at least three times a year. Materials not meeting the definition of “vehicle, motor,” such as appliances, bulky waste, junk, or other kinds of machinery or equipment not defined as “vehicle, motor” are prohibited from being parked, stored or placed on property approved for use as an “impound lot.”

“Motor vehicle impound lot” would be a permitted use by right in the LI and GI districts, subject to supplementary use regulation: 1) only a towing company, auto insurance pool operator or similar business properly licensed under applicable law may operate a motor vehicle impound lot; 2) motor vehicles stored on a “motor vehicle impound lot” shall not be dismantled, parted out or salvage; 3) the site must be enclosed by a fence or wall not less than eight feet in height and having cracks or openings not in excess of five percent of the area of the fence; 4) vehicles stored, parked or placed on the site shall not be visible at ground level from adjoining property; 5) the storage of any parts of vehicles is prohibited; 6) vehicles shall be stored on an all weather surface and 7) the site is not contiguous to an arterial street, expressway or freeway.

Miller advised that the adoption of the proposed amendment would provide an additional auto related use type. From a zoning administration standpoint, the proposed amendment distinctly separates the storage of inoperable vehicles from wrecking and salvages operations. The storage of inoperable vehicles in towing services and insurance auto pools and similar users would become a use permitted by right in the LI and GI districts; eliminating the public hearing requirement for property already zoned LI and GI the community has required since at least 1954.

Miller stated that if approved as submitted the impound lots would not require a public hearing if they are going LI or GI district. He also noted that all other DABs except for District 4 and they have all recommended denial of the request.

Roberts wanted to know if this is a usage that requires a conditional use permit. **Miller** advised that yes it would require a conditional use permit.

Churchman wanted to know if this would eliminate the public hearing process. **Miller** stated that yes this would make it an allowable usage and no public hearing would be required.

Churchman followed up with another question asking about the increased traffic in the area and if the impound lot would operate 24/7 and have four auctions per year. **Miller** advised that yes that would be the case and that there was nothing in the code that would prevent the business from operating in that fashion. **Churchman** reiterated that the public hearing process would be lost, not allowing citizen involvement. **Miller** stated yes that would be the case.

Roseboro wanted to know who would enforce this ordinance if it passed. **Miller** advised that it would be OCI.

Domotrovic wanted to know if the MAPC or zoning board would have the right deny this type of usage if ordinance approved. **Miller** advised no.

Roberts wanted to know what AFB stood for in the staff report. **Miller** advised Air Force Base.

Bill Prather, 1526 S Emporia advised that the Auto Inn decided that they needed to move a found a piece of land on South Mosley and before they did their homework purchased the land to relocate. He advised that the neighborhood association voted unanimously against this request. He advised Board members and the community to drive by their current location and look at how the property is kept and that for sure would give them a better understanding as to why the community doesn't want it in their neighborhood.

Wilson arrived at 7:08 p.m.

John Stevens, 3125 E Boston asked that the Board to please deny the request, this would take away the rights of the community.

Shontina Tipton, 865 Whittier Street advised that she was not in support of this community as this will not allow the community to have a voice in what impacts their neighborhood.

Dave Weatherson, 722 E. Zimmerly Street advised that he owns/operates a commercial property near this location and he is in opposition of this request. He advised that this goes against the 2030 Land Use Plan and the Sedgwick County Land Use Plan. He also noted that over 100 petitions were filed against this of request. He noted that the citizens are speaking loud and clear on this issue and they do not want it in their community.

Weatherson noted that many of the concerns are with this being a 24/7 operation, unwanted traffic and activity, visible eye sore, loss of community voice, reduction in property values, health issues and environmental concerns.

Domotrovic asked staff if the ordinance had to remove the public input process, and if the ordinance changes were designed to get around this process.. **Miller** advised that it could be made as a conditional use that would allow for the public input process, but was is being presented based on the request from the MAPC did not require that.

Churchman wanted to know the date MAPC requested staff to review this ordinance, specifically was it after the original request from Auto Inn was denied at City Council. **Miller** advised that yes it was after this request was presented to City Council.

Action Taken: Roseboro recommended that request be denied. Roberts 2nd the motion. Motion passed (6:0).

7. Bike Path – I-135 to K-96

Gary Janzen, Public Works presented information on the revised route for the bike path connection from McAdams Park to Grove Park. **Janzen** noted that no recommendation would be required as they were still working out some of the details and they may need to come back before the DAB with more information.

Janzen introduced Brent Thomas the consultant on the project. He noted that they are offering a new route to run down the Opportunity Drive corridor past Gordon Parks Academy and the Boys and Girls Club to 21st Street, and then going west to the existing crosswalk at Piatt and south along Piatt to 20th Street. Turning east the path goes west to the KDOT right-of-way and follows it south along the right-of-way past Clear Communications site then to 17th Street where it will cross the bridge west to meet McAdams Park. This path will become a true neighborhood pedestrian/bike path and will have access to many more people than the previous route.

Thomas then came forward and went through a slide presentation to give more details about the project. He advised that the Heartland Preparedness Center project, led by the State Adjutant General's office, may have an impact on access to an existing tunnel under I-135, just north of 25th Street, so we are going to explore a couple of different options.

Thomas advised that the proposed optional path has some safety concerns; the proposed route from 17th to 25th would utilize existing right-of-way and would cross 3 privately owned parcels.

Thomas highlighted that the proposed route would cross under I-135 using the existing 17th Street bridge and follows the east property line of the highway; the route up to 21st Street would use a combination of vacant City right-of-way, easement on private property and KDOT right-of-way at the 21st Street interchange.

Thomas noted that KDOT has given preliminary approval of the route along their right-of-way, Clear Channel Communications is supportive of the path going across their property because of the frequent vandalism at their transmitter site. He noted that city staff was also reviewing traffic counts in the area around 19th Street to determine if a little-used portion of 19th Street can be removed to create more space for a pause point (and remove unnecessary street crossings).

Thomas advised that they have met with USD259; district administration and the principal at Gordon Parks and they are supportive of the project. He noted that the Boys & Girls Club is discussing access with their Property Management Committee and would get back to them.

Thomas also explained that another option on the table is to keep the original alignment and build a pedestrian overpass over I-135 at 25th Street. He noted this could be a costly option, but they were still researching and would work on cost estimates.

Ohaebosim wanted to know once the design was completed how long would the project take for completion. **Thomas** advised about 3-4 months, 6 at the most.

Churchman noted that she had a concern with sending the path in front of the businesses along 21st Street.

Wilson advised that there already issues with vandalism, so would there be increased lighting at the 17th and 19th Street rest areas, were they needed.

McNeal wanted to know if the distances for both options were the same. **Thomas** advised yes.

Treatha Brown-Foster, 2211 N. Kansas advised that she does not want the path going through the tunnel, but the neighborhood association supports the bike path.

John Stevens, 3125 E. Boston stated that he like the idea of the path going through the Boys & Girls Club and school. He also wanted to know what happened to the fast track on the fence at McDonald Park.

Haas advised that the fence will come after the construction is completed along 13th Street.

Roseboro noted that he concern with the path only be 7-8 feet on 25th Street. **Janzen** advised that in that area all we could look at would be right-of-way acquisition and that could be costly and it would depend on the property owners.

Ohaebosim wanted to know how staff would address security issues for pedestrian going under the tunnel. **Janzen** advised that an extensive amount of lighting will have to be added and we would also have to signalize the tunnel because it could handle two lanes of traffic with the bike path.

Riley asked if it would be appropriate to use side streets verses taking it along 21st Street. **Janzen** advised that was not best usage and would have some of the same issues on the side streets as with 21st.

CM Williams wanted to know when staff would apply for the grant to finish the project. **Pajor** advised that staff submitted the grant last month and should hear within 60 days if it was denied or approved.

Action Taken: Roseboro motion to approve the new bike path route. Roberts 2nd the motion. Motion passed (6:0)

8. Closing of Grove Street Crossing at UP (K-96 Fishing Lake Access)

Joe Pajor, Assistant Director Public Works provided information on the request to close the street at the Grove Street Crossing near K-96. He noted that ongoing negotiations with the Union Pacific Railroad (UPR) related to access needs for the Heartland Readiness Center were underway and it included a request to the City of Wichita to agree to a closure of the existing, non-signalized, railroad crossing on Grove Street north of 29th Street North. The construction of K-96 caused Grove Street to end on both sides of K-96. The only access to the fishing lakes east of I-135 and south of K-96 was then from 21st Street using New York Street, Hydraulic Avenue,

29th Street, and then Grove across the railroad tracks. The new access road west of Hillside, which serves the new Animal Center, is now completed and continues west to connect to the parking lot at the fishing lakes.

Pajor noted that the proposed design of the Heartland Readiness Center will require a portion of the site to be secured from public access. The section of 29th St. North that is adjacent to the site and connects to the Grove Street crossing will become part of this secured area and will no longer be available for public use.

Pajor noted that the City would be responsible for the expense related to the installation of the signage related to this closure, necessary fencing or blocking of the existing road at the end of New York Street at I-135, and other issues related to the street closure. The UPR would be responsible for the removal of the existing Grove Street pavement in the limits of their right-of-way and the installation of a barricade on the north side of the existing crossing.

Action Taken: Roberts motion to approve the closure of the Grove Street crossing at the north side of 29th Street North at the identified access locations. Ohaebosim 2nd motion. Motion carried (6:0).

Update

9. Updates, Issues and Reports

Wilson advised that A Price Woodard clean up went well and they got a lot of community participation.

Churchman advised Janet Johnson (District 3 Neighborhood Assistant) and LaShonda Porter (District 1 Neighborhood Assistant) are diligently working with the START project and just completed a clean up and that went well. She also advised that the river beautification project has begun and that Hoyt got Cornejo to provide volunteers and equipment to assist with cutting our rebar and braking up the large bricks into smaller pieces.

Domotrovic advised Schweiter Park is really being utilized.

CM Williams noted that they are still dealing with the issues at Club Patrone, currently they are closed and should only have staff working to bring the facility up to code.

Riley advised that the East Front clean up would be on August 1st. She also advised that she is working with others in regards to the construction on Lewis Street and would keep the Board posted. She then went on to thank CM Williams for the opportunity to serve on the Board.

CM Williams told Riley to stay on top of the concern and let her know if she could help in anyway.

Roberts advised that the Crestview Heights clean up went well and that they filled two packers and with all the community support were able to get done in 2.5 hours.

Roseboro advised that the Wichita Independent Neighborhoods was planning a neighborhood cleanup on August 8th in District II and if anyone wanted to assist to let him know. He noted that they hoped to form a neighborhood association in this area was the clean up was completed.

CM Williams announced that we had a new CP Officer – Daniel Oblinger who works in the Kenmar area but that he also was certified in Crisis Intervention. She noted that this training allows Officers to better assist when mental health concerns come into play.

Rich advised that the Hyde Neighborhood Association has changed to meeting bi-monthly.

John Stevens, 3125E. Boston thanked Janet Wilson for her diligence in keeping up with the Westar concerns.

CM Williams advised that Eastminster will be a hosting another Day of Serving event on September 26th and if anyone had any projects that they needed assistance with to get with LaShonda Porter.

With no further business, **Roberts (Roseboro)** made a motion to adjourn. Motion carried 6-0. The meeting adjourned at 8:46 p.m.

Respectfully Submitted,
LaShonda Porter
Neighborhood Assistant